

CITY OF SWEETWATER
REGULAR COMMISSION MEETING
MINUTES

MEETING DATE: MARCH 5, 2012 AT 8:00 P.M. COMMISSION CHAMBERS, 500 SW 109 AVENUE

1. ROLL CALL.

Present: Honorable Manuel L. Marono, Mayor; Commission President Jose M. Diaz; Commissioners Prisca Barreto, Jose Bergouignan, Jr., Manuel Duasso, Jose M. Guerra, Orlando Lopez and Isolina Marono; City Attorney Ralph Ventura and City Clerk Marie Schmidt.

2. PLEDGE OF ALLEGIANCE.

President Diaz led the Pledge of Allegiance.

3. INVOCATION.

President Diaz gave the Invocation.

4. SPECIAL PRESENTATIONS.

A. PRESENTATION OF PLAQUE TO GREGORIO AND MARIA JOSEFA RODRIGUEZ IN CELEBRATION OF THEIR 70 YEARS OF MARRIAGE. (COMMISSIONER BARRETO)

Plaque presented to the happy couple by Commissioner Barreto with the assistance of the entire Commission and the Mayor.

B. PRESENTATION BY JOSEPH NABAKA, STUDENTS WORKING AGAINST TOBACCO, TO RESTRICT THE SALE OF CANDY-FLAVORED TOBACCO PRODUCTS.

Presentation made by Kathleen Fuentes to gather support from everyone against tobacco and tobacco products that are candy-flavored and whose sale is targeted toward school-aged children.

C. PRESENTATION BY MARIBEL BALBIN, SUSTAINABILITY MANAGER FOR MIAMI-DADE COUNTY, ON MONEY AVAILABLE TO LOCAL BUSINESSES WHO PURCHASE GREEN APPLIANCES AND AIR CONDITIONERS.

Presentation made by Ms. Balbin who informed the Commission of their program to assist local businesses in purchasing green appliances and air conditioners. She left applications for interested persons to apply for grants from her department.

D. PRESENTATION BY ANGIE FERNANDEZ OF THE STATE ATTORNEY'S OFFICE ON THE SERVICES HER OFFICE OFFERS THE RESIDENTS OF THE CITY.

Ms. Fernandez made the presentation informing everyone of their programs to assist residents with child support, child care, fraud and bullying. They hope to have a community outreach representative in Sweetwater one day per month to meet with residents. Commissioner Barreto suggested Ms. Fernandez might consider reaching out to the School Board and parents at the schools as well.

E. PRESENTATION BY AGUSTIN B. MARQUETTI OF A PROPOSITION TO USE CITY FACILITIES AT RONSELLI PARK TO OPERATE AN ACADEMY AND A CLINIC.

Withdrawn.

Jacki Susan Seskin, candidate for County Court Judge, was introduced and said a few words in furtherance of her candidacy.

5. PRESENTATION OF EMPLOYEE OF THE MONTH AWARD.

Presented to Rafael Velando of the Maintenance Department.

6. PRESENTATION OF OFFICER OF THE MONTH AND OFFICER OF THE YEAR AWARD.

Detective Octavio Oliu was selected as Officer of the Year over two other candidates who were given Honorable Mention. These officers are Chuck Failla and Jamie Richter.

7. REPORTS OF OFFICERS, BOARDS AND COMMITTEES.

None.

8. ADDITIONS AND DELETIONS TO THE AGENDA.

Added to Special Presentations:

D. PRESENTATION BY ANGIE FERNANDEZ OF THE STATE ATTORNEY'S OFFICE ON THE SERVICES HER OFFICE OFFERS THE RESIDENTS OF THE CITY.

E. PRESENTATION BY AGUSTIN B. MARQUETTI OF A PROPOSITION TO USE CITY FACILITIES AT RONSELLI PARK TO OPERATE AN ACADEMY AND A CLINIC.

Added to Staff Items:

G. AUTHORIZATION TO ENTER INTO AGREEMENT WITH FOLEY AND LARDNER LLP FOR BOND COUNSEL SERVICES FOR THE FINANCING TO BE OBTAINED FOR THE ACQUISITION OF PROPERTY WITH FOLIOS 30-3031-000-0480, 30-3031-000-0482, 30-3031-000-0483, 30-3031-000-0491 AND 30-3031-000-0510 FOR THE CITY. (CITY ATTORNEY)

Deleted from the Consent Agenda:

B. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A RENEWAL OF THE AGREEMENT WITH MIAMI-DADE COUNTY FOR LEASE OF SPACE IN THE JORGE MAS CANOSA YOUTH CENTER FOR A HEAD START PROGRAM; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO/PARKS DIRECTOR)

9. CONSENT AGENDA.

Upon motion by Commissioner Barreto, second by Commissioners Lopez and Duasso and unanimous 7-0 vote, items A and C on the Consent Agenda were approved as presented.

A. APPROVAL OF MINUTES FOR MEETINGS OF JANUARY 9, JANUARY 30 AND FEBRUARY 6, 2012. (CITY CLERK)

Approved as presented by the City Clerk.

B. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A RENEWAL OF THE AGREEMENT WITH MIAMI-DADE COUNTY FOR LEASE OF SPACE IN THE JORGE MAS CANOSA YOUTH CENTER FOR A HEAD START PROGRAM; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO/PARKS DIRECTOR)

Withdrawn.

- C. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH THE STATE DEPARTMENT OF REVENUE FOR ACCESS TO THE COMMUNICATIONS SERVICES TAX CONFIDENTIAL STATE TAX INFORMATION; PROVIDING FOR EFFECTIVE DATE. (MAYOR MARONO/FINANCE DIRECTOR)

Adopted and assigned #3635.

10. STAFF ITEMS.

- A. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA MODIFYING ORDINANCES NUMBERED 2984, 3004, 3161, 3329, 3486, CODIFIED AS SECTION 2-181 OF THE CITY CODE TO CLARIFY DISTRIBUTION OPTIONS AVAILABLE TO SURVIVING SPOUSE, CORRECTING AND CLARIFYING GRAMMAR, PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR EFFECTIVE DATE. (SECOND READING AND PUBLIC HEARING)

The public hearing was held. There being no persons wishing to speak on this matter, the public hearing was closed. Upon motion by Commissioners Lopez and Bergouignan, second by Commissioner Duasso and unanimous 7-0 vote, the foregoing ordinance was adopted and assigned #3636.

- B. AN ORDINANCE OF THE CITY OF SWEETWATER AUTHORIZING THE OPERATION OF AMUSEMENT MACHINES IN BUSINESS ESTABLISHMENTS, AUTHORIZING AMUSEMENT CENTERS, PROVIDING LIMITATIONS, PROVIDING DEFINITIONS, PROVIDING FOR INSPECTION PROCEDURES, PROVIDING FOR ENFORCEMENT, ESTABLISHING FRANCHISE, PROVIDING FOR BUSINESS TAX RECEIPTS, PROVIDING FOR LICENSES, PROVIDING PENALTIES, REPEALING §18-56 AND §18-57 OF THE CODE OF THE CITY OF SWEETWATER, PROVIDING FOR CODIFICATION, PROVIDING FOR SEVERABILITY, AND PROVIDING FOR EFFECTIVE DATE. (SECOND READING AND PUBLIC HEARING)

The public hearing was held. There being no persons wishing to speak on this matter, the public hearing was closed. Discussion was held on allowing Type II machines with Commissioners Bergouignan voicing opposition to the Type II machines and Commissioner Barreto voicing opposition to all machines. President Diaz offered an amendment to the ordinance striking the allowance of sexually suggestive graphics as part of the games or the face of the Type II machines. Commissioner Lopez seconded the amendment and it carried by unanimous vote of 7-0.

Commissioner Bergouignan again voiced his concern about the Type II machines and moved to amend the ordinance to strike Section 7 in its entirety to eliminate Type II machines. The motion died for lack of a second.

Upon motion by Commissioner Lopez, second by Commissioner Guerra and vote of 5-2, the foregoing ordinance was adopted as amended and assigned #3637. Commissioners Bergouignan and Barreto cast the dissenting votes.

- C. A RESOLUTION OF THE MAYOR AND COMMISSION ACCEPTING THE AGREEMENT WITH REGIONS BANK FOR FUNDING THE PURCHASE OF LAND. (MAYOR MARONO/FINANCE DIRECTOR)

Withdrawn.

- D. AN ORDINANCE OF THE CITY OF SWEETWATER, FLORIDA, CHANGING ZONING DESIGNATION ON PROPERTY DESCRIBED AS LOTS 17 AND 18, BLOCK 6 OF HAMPTON PARK, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 48, AT PAGE 58, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY FROM RU-1 (SINGLE-FAMILY RESIDENTIAL) TO IU-1 (INDUSTRIAL, LIGHT MANUFACTURING), PROVIDING FOR

CODIFICATION, A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE. (CODE REQUIREMENT) (FIRST READING)

Torrence Rosenberg, 79 North Hibiscus Drive, represented Bullet. Upon motion by Commissioner Barreto, second by Commissioner Guerra and unanimous 7-0 vote, the foregoing ordinance passed on first reading.

- E. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA APPROVING RELEASE OF RESTRICTIVE COVENANT RECORDED IN OR BOOK 19157 AT PAGE 4824 AND OR BOOK 26433 AT PAGE 1600 OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA; PROVIDING FOR EFFECTIVE DATE. (CODE REQUIREMENT)

Upon motion by Commissioner Guerra, second by Commissioner Duasso and unanimous 7-0 vote, the foregoing resolution was adopted and assigned #3638.

- F. A RESOLUTION OF THE MAYOR AND COMMISSION OF THE CITY OF SWEETWATER, FLORIDA, APPROVING THE CONTRACT WITH RODRIGUEZ & TRUEBA FOR AUDITING AND RELATED SERVICES; AND PROVIDING AN EFFECTIVE DATE. (MAYOR MARONO/FINANCE DIRECTOR)

Upon motion by Commissioner Bergouignan, second by Commissioner Duasso and unanimous 7-0 vote, the foregoing resolution was adopted and assigned #3639.

- G. AUTHORIZATION TO ENTER INTO AGREEMENT WITH FOLEY AND LARDNER LLP FOR BOND COUNSEL SERVICES FOR THE FINANCING TO BE OBTAINED FOR THE ACQUISITION OF PROPERTY WITH FOLIOS 30-3031-000-0480, 30-3031-000-0482, 30-3031-000-0483, 30-3031-000-0491 AND 30-3031-000-0510 FOR THE CITY. (CITY ATTORNEY)

Commissioner Bergouignan declared a conflict of interest and left the room. Upon motion by Commissioner Duasso, second by Commissioners Lopez and Guerra and unanimous 6-0 vote, a resolution authorizing the Mayor and City Clerk to enter into the foregoing agreement was adopted and assigned #3640.

11. PETITIONS - COMMUNICATIONS - REMONSTRANCES.

Alberto de Galisteo, 10940 SW 7 St. #101, feels it is time for the City to consider putting a bridge over the canal at SW 112 Avenue to alleviate traffic on SW 109 Avenue. Mayor Marono emphatically denied Mr. Galisteo's request. No support from the City Commission either.

12. REPORTS.

- A. POLICE AND CODE ENFORCEMENT REPORT.

Written report submitted.

- B. PARKS AND RECREATION REPORT.

Written report submitted.

- C. MAINTENANCE DEPARTMENT REPORT.

Written report submitted. Signs were installed prohibiting vendors in the right-of-way pursuant to State Law.

- D. CITY ATTORNEY REPORT.

Mr. Ventura reported on:

1. Closing on the new property by the end of the month or the first week in April.
2. He will be providing cleanup language on the Business Improvement District Ordinance.
3. He will be in trial the entire last week of March.

E. MAYOR'S REPORT.

Mayor Marono explained the circumstances leading up to the discovery of a house where a hoarder lives and of the City's offer to help clean up the home if the occupants cannot do it in the 30 days time they were given. The roof also leaks. He also pledged the City's help with that in the form of waiver of building department fees for the permit.

Chief of Staff Herrada announced that the food trucks will be at Sweetwater Elementary School at 5:30 on the evening of the 14th to benefit Sweetwater's Relay for Life.

The City along with FIU is applying for a Tiger Grant again. Although the City was unsuccessful in obtaining the grant, the City's previous application was placed in the upper 10% of the applications submitted.

Mr. Tim Bowers of Waste Pro is at the meeting. Commissioner Lopez asked why the bulk waste is being picked up on Saturday when most people are home and the cars will be in the way of the trucks collecting the trash. He was advised that this was changed to Wednesday instead. Mayor Marono informed the Commission that there will be no layoffs in the Maintenance Department now that they will no longer be responsible for picking up trash. Those workers will be reassigned to other duties such as beautifying the swales and planting trees.

The City has applied for grants to assist in its domestic violence program and for an arts program.

F. COMMISSIONERS REPORT.

Commissioner Bergouignan asked about the progress of the bank going in at 107 Avenue and West Flagler Street. Mayor Marono responded that the demolition permit has been applied for but he believes the holdup is due to a delay in closing on the property.

Commissioner Lopez asked if the street lights could be brighter. Mayor Marono stated he will contact Florida Power and Light.

Commissioner Duasso thanked Luis Quintero, Park Director, Anny Chez, Finance Director, Haydee Hernandez, Commission Secretary, Berta Padilla, volunteer, Commissioner Guerra for the bingo night at the elderly center and County Commissioner Diaz for his gas discount days.

Commissioner Guerra thanked the crew at the elderly center and to Jenny Marono for their assistance in making bingo night such a success.

G. ELDERLY SERVICES PROGRAM REPORT.

Written report submitted.

H. SPECIAL PROJECTS REPORT.

Written report submitted.

I. BUILDING AND ZONING REPORT.

Written report submitted.

J. FINANCE REPORT.

Written report submitted.

K. CITY CLERK'S REPORT.

Written report submitted. City Clerk informed the Commission that she has received an appeal of the Planning and Zoning Board decision at their last meeting. She will schedule a hearing before the Commission for 7:00 P.M. on April 2nd before the start of the regular meeting that evening.

13. UNFINISHED BUSINESS.

None.

14. NEW BUSINESS.

None.

15. GOOD OF THE ORDER.

None.

16. ADJOURNMENT.

There being no further business before the City Commission, the meeting was declared adjourned at 9:37 PM.

Marie O. Schmidt, CMC
City Clerk